

1 Benjamin Schonbrun SBN 118323  
schonbrun.ben@gmail.com  
2 Michael D. Seplow, SBN 150183  
mseplow@aol.com  
3 SCHONBRUN DESIMONE SEPLOW  
HARRIS & HOFFMAN LLP  
4 723 Ocean Front Walk  
Venice, California 90291  
5 Telephone: (310) 396-0731  
Fax: (310) 399-7040

Attorneys for Plaintiffs  
Martha Rauda and Regulo Puebla

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF THE STATE OF CALIFORNIA**

11 MARTHA RAUDA, REGULO  
12 PUEBLA, individually and as  
13 successors in interest to MARTHA  
PUEBLA, decedent,

14 Plaintiffs,

15 | vs.

16 CITY OF LOS ANGELES, a public  
17 entity, CHIEF WILLIAM BRATTON,  
18 an individual, DETECTIVE MARTIN  
19 PINNER, an individual, DETECTIVE  
JUAN RODRIGUEZ, an individual,  
AND DOES 1 THROUGH 10

21 Defendants.

) NO. CV-08-3128 CAS (PJWx)

**PLAINTIFFS' EX PARTE  
APPLICATION TO EXTEND  
DEADLINE TO ADD NEW  
PARTIES OR AMEND  
PLEADINGS; DECLARATION  
OF MICHAEL D. SEPLOW IN  
SUPPORT THEREOF**

25 | TO ALL PARTIES AND THEIR ATTORNEY'S OF RECORD:

26 PLEASE TAKE NOTICE THAT:

27 Plaintiffs Martha Rauda and Regulo Puebla hereby apply ex parte for an

1 order to extend the deadline to add new parties or claims by 60 days, until March  
2 19, 2009 in order to allow Plaintiffs' counsel sufficient time to determine whether  
3 adding new parties or claims is warranted. Defendants have produced over 5000  
4 pages of documents in response to Plaintiffs' discovery requests and are still  
5 expected to provide additional materials (including audio tapes) and copies of  
6 transcripts. Plaintiffs' counsel is in the process of reviewing these materials and  
7 may need to conduct follow up discovery to determine whether it is necessary to  
8 seek to add new parties or claims.

9 Defendants will not suffer any prejudice by this extension as it will not  
10 delay the trial (currently set for October 6, 2009) or the discovery cut off  
11 (currently set for May 15, 2009). Therefore, good cause is warranted to grant this  
12 request for an extension.

13 On the morning of January 15, 2009, Plaintiffs' counsel Michael D. Seplow  
14 notified defense counsel Elizabeth Fitzgerald of Plaintiffs' intention to file this ex  
15 parte application and asked whether Defendants would oppose this request. At the  
16 time of the filing this application, Defendants have not indicated whether they  
17 would oppose Plaintiffs' request.

18 This ex parte application is supported by the points and authorities set forth  
19 herein, and the attached declaration of Michael D. Seplow, as well as all pleadings  
20 and papers on file in this matter.

21  
22 Dated: January 15, 2009

23 SCHONBRUN DESIMONE SEPLOW  
HARRIS & HOFFMAN LLP

24 By:   
25  
26  
27  
28

Benjamin Schonbrun  
Michael D. Seplow  
Attorneys for Plaintiffs

# MEMORANDUM OF POINTS AND AUTHORITIES

**II. THERE IS GOOD CAUSE TO GRANT A 60 DAY EXTENSION  
OF THE DEADLINE TO ADD PARTIES OR AMEND  
PLEADINGS**

This case involves the tragic death of 16 year old Martha Puebla, the daughter of Plaintiffs Martha Rauda and Regulo Puebla, who was killed by a gang member after LAPD Detectives Martin Pinner and Juan Rodriguez falsely informed another gang member that Martha Puebla had identified him as a murder suspect.

In a scheduling order issued on September 22, 2008, the Court set January 16, 2009 as the deadline to request leave to amend pleadings or add new parties. The Court set May 15, 2009 as the factual discovery cut off and set trial for October 6, 2009. In or about mid to late November 2008 - after the parties had met and conferred and agreed to a detailed protective order (which was entered on October 29, 2009), Defendants produced to Plaintiffs over 5000 pages of documents relating to the investigation of the death of Martha Puebla and two other homicide victims. In addition, Defendants have agreed to provide Plaintiffs with audio tapes of witness interviews, but such tapes have not yet been produced. Further, Defendants have agreed to allow Plaintiffs to inspect transcripts from hearings, trials and depositions in related matters but Plaintiffs counsel has not yet had the opportunity to do so.

Plaintiffs counsel is in the process of reviewing the voluminous materials produced to date and will work diligently to review the additional materials. However, at this point, Plaintiffs counsel is unable to determine whether the pleadings need to be amended or new parties need to be added and therefore requests additional time to review these materials and conduct follow up discovery to make this determination. Therefore, Plaintiffs submit that good cause exists to

1 extend the deadline to name new parties or request leave to amend the pleadings  
2 until March 19, 2009.

3 Defendants will not be prejudiced by this extension as the discovery cut is not  
4 until May 15, 2009. Moreover, the deadline to file motions is not until June 15,  
5 2009 and trial is not until October 6, 2009. Accordingly, Plaintiffs' ex parte  
6 application should be granted.

7

8 **II. CONCLUSION**

9 For all the foregoing reasons, the deadline to seek leave to amend the pleadings  
10 or add new parties should be extended until March 19, 2009.

11

12 Dated: January 15, 2009

SCHONBRUN DESIMONE SEPLOW  
HARRIS & HOFFMAN LLP

14 By: \_\_\_\_\_  
15   
16 Benjamin Schonbrun  
Michael D. Seplow  
17 Attorneys for Plaintiffs

18

19

20

21

22

23

24

25

26

27

28

## DECLARATION OF MICHAEL D. SEPLOW

I, Michael D. Seplow, declare as follows:

1. I am an attorney licensed to practice law in California. I am a partner with the law firm of Schonbrun De Simone Seplow Harris & Hoffman, LLP, counsel of record for Plaintiffs Martha Rauda and Regulo Peubla in this action. I am making this declaration in support of Plaintiff's Ex Parte Application to Extend the Deadline to Seek Leave to Amend the Pleadings or Add Parties. The matters stated herein are within my personal knowledge and I can therefore testify competently to these matters.

2. Plaintiffs hereby apply ex parte for an order to extend the present deadline to add new parties or claims by 60 days, from January 16, 2009 until March 19, 2009 in order to allow Plaintiffs counsel sufficient time to determine whether adding new parties or claims is warranted. In a scheduling order issued on September 22, 2008, the Court set January 16, 2009 as the deadline to request leave to amend pleadings or add new parties. The Court set May 15, 2009 as the factual discovery cut off and set trial for October 6, 2009.

3. In or about mid to late November 2008 - after the parties had met and conferred and agreed to a detailed protective order (which was entered on October 29, 2009)- Defendants produced to Plaintiffs over 5000 pages of documents relating to the investigation of the death of Martha Puebla and two other homicide victims. In addition, Defendants have agreed to provide Plaintiffs with audio tapes of witness interviews, but such tapes have not yet been produced. Further, Defendants have agreed to allow Plaintiffs to inspect transcript from hearings, trials and depositions in related matters but Plaintiffs counsel has not yet done so.

4. Plaintiffs counsel is in the process of reviewing the voluminous materials produced to date and will work diligently to review additional materials. However, at this point, Plaintiffs counsel is unable to determine whether the

1 pleadings need to be amended or new parties need to be added and therefore  
2 requests additional time to review these materials and conduct follow up  
3 discovery to make this determination. Therefore, Plaintiffs submit that good  
4 cause exists to extend the deadline to name new parties or request leave to  
5 amend the pleadings until March 19, 2009.

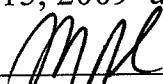
6 6. Defendants will not suffer any prejudice by this extension as it will not  
7 delay the trial (currently set for October 6, 2009) or the discovery cut off  
8 (currently set for May 15, 2009) or the deadline for filing motions (June 15,  
9 2009). Therefore, good cause is warranted to grant this request for an extension.

10 7. On the morning of January 15, 2009, I phoned defense counsel Elizabeth  
11 Fitzgerald and informed her of Plaintiffs intention to file this ex parte application  
12 and asked whether Defendants would oppose this request. Ms. Fitzgerald told me  
13 that she would attempt to get back to me by the end of the day to let me know  
14 Defendants' position. At the time of the filing of this application, I have not  
15 heard back from Ms. Fitzgerald and therefore I do not know whether Defendants  
16 oppose Plaintiffs' request.

17 8. This is Plaintiffs' first request for an extension of any of the deadlines  
18 imposed by the Court in its initial scheduling order.

19  
20 I declare under penalty of perjury under the laws of the State of California  
21 and the United States that the foregoing is true and correct.

22  
23 Executed on January 15, 2009 at Venice, California

24   
25 \_\_\_\_\_  
26 Michael D. Seplow

27  
28